

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY Sp D.C.
05 APR 18 PM 1:25
ROBERT R. DI TROLO
CLERK OF U.S. DIST. CT.
W.D. OF TN.-JACKSON

JOHNNY MARVIN HENNING,

Petitioner,

VS.

No. 05-1022-T/An

TONY PARKER,

Respondent.

ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS*
ORDER CORRECTING THE DOCKET
AND
ORDER FOR RESPONDENT TO FILE RECORD AND TO RESPOND

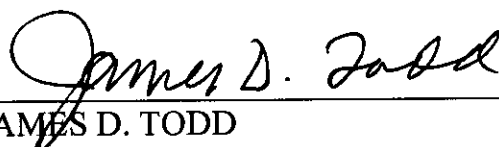
Petitioner Johnny Marvin Henning, Tennessee Department of Correction prisoner number 119491, an inmate at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee, filed a *pro se* petition pursuant to 28 U.S.C. § 2254 on January 27, 2005, along with three separate *in forma pauperis* motions. Based on the information supplied by the prisoner, the motions to proceed *in forma pauperis* are GRANTED. The Clerk shall record the respondent as NWCX warden Tony Parker, and shall remove the State of Tennessee as a party.¹

¹ Although the petition lists the State of Tennessee as the sole respondent, the proper respondent to a habeas petition is the petitioner's custodian, NWCX warden Tony Parker.

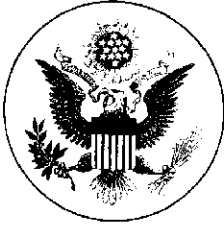
It is ORDERED, pursuant to Rule 4 of the Rules Governing § 2254 Cases, that respondent Tony Parker file a response to the petition within twenty-three (23) days. The response shall include the complete trial and appellate record of Henning's original case, his resentencing and his subsequent state petition for collateral relief.

It is further ORDERED, pursuant to Rule 4, that the Clerk shall send a copy of the petition and this order to Tony Parker and the Tennessee Attorney General and Reporter by certified mail.

IT IS SO ORDERED this 18th day of April, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01022 was distributed by fax, mail, or direct printing on April 19, 2005 to the parties listed.

Johnny Marvin Henning
119491
960 State Route 212
Tiptonville, TN 38079

Honorable James Todd
US DISTRICT COURT